



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,567	09/30/2003	Roger Boivin	19993.0011	1616

23373 7590 10/20/2006

SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

ALAM, FAYYAZ

ART UNIT PAPER NUMBER

2618

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/673,567

Applicant(s)

BOIVIN, ROGER

Examiner

Fayyaz Alam

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/29/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

### *Information Disclosure Statement*

2. The information disclosure statement submitted on 12/29/2003 been considered by the Examiner and made of record in the application file.

### *Drawings*

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **On page 10, lines 4, 7, 14, and 17** recite connection area (301) but element 301 is nowhere in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 - 2, 4 - 10, 14 - 15, 17, 20, 22 - 28, 32 - 33, and 35** are rejected under 35 U.S.C. 102(b) as being anticipated by **Kaschke (U.S. Patent # 5,999,821)**.

Consider **claims 1 and 20**, Kaschke discloses a radio telephone (100) (read as wireless phone) comprising: a radio circuitry module (104) (read as reusable module) comprising transmitter (348) and receiver (346) (read as functional components; fig. 3) and a user interface module (102) (read as disposable module) comprising user interface components (see abstract; and fig. 1).

Consider **claim 2** as applied to claim 1, Kaschke discloses transmitter (348) and receiver (346) (read as functional components) in the radio circuitry module (104) (read as reusable module) (see fig. 3).

Consider **claims 4 and 22** as applied to claims 2 and 20, Kaschke discloses radio circuitry (104) (read as reusable module) comprises at least one of a transmitter (348), receiver (346), controller (606) (read as processor), and memory (610) (see fig. 6).

Consider **claims 5 and 23** as applied to claims 2 and 20, Kaschke discloses radio circuitry module (104) (read as reusable module) comprises at least one of integrated circuits (read as semiconductors) and a duplexer (read as switch) to isolate transmitting and receiving signals (see fig. 6; and col. 9, lines 21 - 36).

Consider **claims 6,7 and 24, 25** as applied to claims 2 and 20, Kaschke discloses that radiotelephone (100) preferably operates in the cellular radio frequency band and in addition any radio frequency band may be used (read as functional components operate between a 25 and 50 MHz range of a network provider's operating frequency and the functional components operate between a 50 and 100 MHz range of a network provider's operating frequency) (see col. 2, lines 9 - 11).

Consider **claims 8 and 26** as applied to claims 2 and 20, Kaschke discloses radio housing (310) (read as protective cover) to house the radio circuitry module (see abstract; and col. 5, lines 21 - 23).

Consider **claims 9 and 27** as applied to claims 8 and 26, Kaschke discloses second connector (356) (read as connection area) to electrically couple the radio circuitry module (read as reusable module) and the user interface module (read as disposable module) and in addition, the connectors are the type that are well-known in the art (read as standardized dimensions) (see col. 5, lines 9 - 20).

Consider **claims 10 and 28** as applied to claims 8 and 26, Kaschke discloses radio circuitry module with a rectangular profile that has length, width, and height (read as protective cover is configured and adapted to fit within a defined profile, said profile comprising a length, a width, and a height) (see fig. 2).

Consider **claims 14 and 32** as applied to claims 1 and 20, Kaschke discloses user interface module (102) (read as disposable module) comprises at least some of the case, microphone (110), display (114), keypad (112), speaker (108), PWR button (read as on/off switch), and other user interface circuits well-known in the art (see fig. 2; and col. 3, lines 5 - 8).

Consider **claims 15 and 33** as applied to claims 1 and 20, Kaschke discloses user interface module (102) (read as disposable module) has a rectangular profile defined by a length, width, and height (read as disposable module is configured and adapted to fit a defined profile, said profile comprising a length, a width, and a height) (see fig. 2).

Consider **claims 17 and 35** as applied to claims 1 and 20, Kaschke discloses user interface module (102) (read as disposable module) is electrically coupled (read as operatively connected) to the radio circuitry module 9104) (read as reusable module) (see col. 5, lines 9 - 20).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 38 - 43** are rejected under 35 U.S.C. 102(e) as being anticipated by **White et al. (U.S. Publication # 20060030377)**.

Consider **claim 38**, White et al. disclose mobile telephone (1) (read as apparatus for transmitting data over wireless network) comprising: main body (5) comprising, transceiver (7a), SIM (27), processor (23), etc. (read as module comprising functional components) and a fascia (3) (read as sensing device; [0090]) comprising a sensor and is attached to the main body (5) (read as module with functional component) (see fig. 2; fig. 4; and [0037 - 0038]).

Consider **claim 39** as applied to claim 38, White et al. disclose main body (5) (read as module with functional components) comprising a SIM (27) (read as subscriber identification module) (see fig. 2).

Consider **claim 40** as applied to claim 38, White et al. disclose main body (5) (read as module with functional components) comprising at least one of a transceiver (7a) (read as transmitter and receiver) and processor (23) (see fig. 2).

Consider **claim 41** as applied to claim 38, White et al. disclose main body (5) (read as module with functional components) comprise SIM, processor, memory, etc. (read as comprising at least semi-conductors) (see fig. 2).

Consider **claims 42 and 43** as applied to claim 38, White et al. disclose portable communication device is able to operate using mobile telecommunications network (read as the functional components operate between a 25 and 50 MHz range of a

Art Unit: 2618

network provider's operating frequency and the functional components operate between a 50 and 100 MHz range of a network provider's operating frequency) (see [0002]).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 3 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kaschke (U.S. Patent # 5,999,821)** in view of **Wang (U.S. Publication # 2002/0155864)**.

Consider **claims 3 and 21** as applied to claims 2 and 20, Kaschke fails to disclose the functional components comprise a subscriber identification module.

In the related field of endeavor, Wang discloses subscriber identification card or SIM ([0003]).



Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kaschke with the teachings of Wang in order to implement a well-known feature for the functionality of a wireless or cellular phone as disclosed by Wang ([0003]).

**Claims 11 - 13, 16, 18 - 19, 29 - 31, 34, and 36 - 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kaschke (U.S. Patent # 5,999,821)**.

Consider **claims 11 - 13, 18 - 19, 29 - 31, and 36 - 37** as applied to claims 10, 1, 28, and 20, respectively, Kaschke fails to disclose length is between about 40 and about 50 mm, width is between about 25 and about 35 mm, height is between about 3 and about 6 mm, disposable module comprises about 10% or less of the total cost of the disposable module and the reusable module, and disposable module comprises about 1/8 or less of the cost of the reusable module.

Nevertheless, Kaschke discloses that his invention provides reduction in size, weight, and cost. Also, the disclosed invention can be comparable to the size and shape of a credit card (see col. 11, lines 28 - 37).

Therefore, it would have been an obvious matter of design choice to claim that the length is about 40 and 50 mm, width is between about 25 and 35 mm, height is about 3 and about 6mm, the cost of the user interface (102) (read as disposable module) comprises 10% of the total cost of the wireless or radio telephone, and user interface (read as disposable module) comprises about 1/8 or less of the cost of the radio circuitry module (104) (read as reusable module), since such modifications would have involved a mere change in size of a component. A change in size is generally

Art Unit: 2618

recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Consider **claims 16 and 34** as applied to claims 1 and 20, Kaschke fails to disclose disposable module is configured and adapted to house a power source.

In the same field of endeavor, Kaschke discloses a power supply module (106) (see fig.1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Kaschke in order to make the wireless or radio telephone more compact.

**Claim 44** is rejected under 35 U.S.C. 103(a) as being unpatentable over **White et al. (U.S. Publication # 2006/0030377)**.

Consider **claim 44** as applied to claim 38, White et al. fail to disclose a protective cover that is adapted to house said functional components.

The Examiner takes Official Notice that it is notoriously well known in the art of electrical engineering to house delicate electrical circuits and components in a protective cover or housing.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of White et al. in order to protect the electrical components from the surrounding environment.

***Conclusion***

8. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Art Unit: 2618

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Fayyaz Alam*

October 4, 2006

EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

*Edan Orgad* 10/10/06